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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of)	
)	
Applicants: Ernest Rehmi Post et al.)	
)	Examiner
Serial No. 10/802,998)	Patrick J Connolly
)	
Filed: March 17, 2004)	Art Unit 2877
)	
Title: Method and apparatus for inertial sensing via measurement of trapped orbit dynamics)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

FAX TRANSMISSION COVER LETTER

- 5 SHEETS TOTAL -

The attached Petition for Revival (3 sheets) and credit card payment form in the amount of \$540 for the Petition fee are being transmitted via facsimile to the central facsimile number of United States Patent and Trademark Office, (571) 273-8300, on March 16, 2009.

Respectfully submitted,



Dated: March 16, 2009

Charles G. Call, Reg. 20,406
USPTO Customer No. 021253
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Marco Island, FL 34145
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PTO/SB/61 (02-09)

Approved for use through 03/31/2009. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)	Docket Number (Optional) E-09
First Named Inventor: <u>Ernest Rehmi Post</u> Art Unit: <u>2877</u> Application Number: <u>10/802,998</u> Examiner: <u>Patrick J Connolly</u> Filed: <u>March 17, 2004</u> Title: : Method and apparatus for inertial sensing via measurement of trapped orbit dynamics Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 <p style="text-align: center;">NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.</p> <p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION. NOTE: A grantable petition requires the following items:</p> <ol style="list-style-type: none"> (1) Petition fee. (2) Reply and/or issue fee. (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995, and for all design applications; and (4) Adequate showing of the cause of unavoidable delay. <p>1. Petition fee</p> <p><input type="checkbox"/> Small entity – fee \$ _____ (37 CFR 1.17(l)). Applicant claims small entity status. See 37 CFR 1.27.</p> <p><input checked="" type="checkbox"/> Other than small entity – fee \$ <u>540</u> (37 CFR 1.17(l)).</p> <p>2. Reply and/or fee</p> <p>A The reply and/or fee to the above-noted Office action in the form of _____ (identify the type of reply):</p> <p><input checked="" type="checkbox"/> has been filed previously on <u>August 6, 2007</u></p> <p><input type="checkbox"/> is enclosed herewith.</p> <p>B The issue fee of \$ <u>1,700</u></p> <p><input checked="" type="checkbox"/> has been filed previously on <u>August 6, 2007</u></p> <p><input type="checkbox"/> is enclosed herewith.</p>	

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This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
 UNAVOIDABLY UNDER 37 CFR 1.137(a)**

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.



March 19, 2009

Signature

Date

Charles G. Call

20,406

Typed or printed name

Registration Number, if applicable

131 Gulfport Ct., Marco Island, FL 34145

(312) 265-0900

Address

Telephone Number

Address

Enclosure ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unavoidable delay

☐

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to **Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

March 16, 2007

Date

Signature

Charles G. Call

Typed or printed name of person signing certificate

PTO/SB/61 (02-09)


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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.



March 16, 2009

Signature

Date

Charles G. Call

20,406

Typed or printed name

Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

The issue fee for this application was timely paid on August 6, 2007.

The Notice of Abandonment states that the application was abandoned in view of "The applicant's failure to time file a proper reply to the Office letter mailed on 9-21-07."

Applicants' attorney, Charles G. Call, has no record of receiving the "Office letter mailed on 9-21-07" and the file of the application available from PAIR contains no such letter.

Applicants' attorney, conferred by telephone with Examiner Patrick J. Connolly who indicated that he was also unable to find the Office letter referred to and was unable to provide an explanation of why the application became abandoned.

Applicants' attorney has no record of receiving the Notice of Abandonment, but believes that notice may have been forwarded by the U.S. Postal Service to a Florida winter office address after that office was closed.

In any event, it is believed that application became abandoned through no fault of applicants or their attorney since the records of neither applicants' attorney nor the Patent Office reveal that such a letter was ever sent.

Applicants' attorney has reviewed the file and finds no basis for issuing such a letter. The only action due from the applicants, payment of the issue fee, was done within the time allowed, as the record shows.

Examiner Patrick recommended the filing of this Petition for Revival of an Application Abandoned Unavoidably so that the application could be issued.

(Please attach additional sheets if additional space is needed.)